

App. 10/699,187  
Amendment dated 9/25/2007

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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application.

**Listing of Claims**

1. (Previously Presented) A method for collecting and packaging of fresh cut produce comprising:

machine harvesting a plurality of fresh produce,

placing said plurality of fresh produce into a shelf stable process,

diverting a visually selected portion of said plurality of fresh produce from said shelf stable process into a fresh cut produce process, said fresh cut produce process being separate from said shelf stable process but consolidated within a shelf stable processing facility,

cutting said diverted select portion of said fresh produce and

depositing said cut diverted select portion of said fresh produce into one or more containers.

2. (Previously Presented) The method according to claim 1 wherein said diverting further comprises;

removing at least tops and ends from said diverted select portion of said fresh produce, and

reintroducing at least some of said removed tops and ends into said shelf stable process.

3. (Original) The method according to claim 1 wherein said plurality of fresh produce comprises tomatoes, bell peppers, apples, oranges, pears, peaches, apricots, beets, strawberries, plums; nectarines, melons, papayas, onions or guavas.

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4. (Cancelled)
5. (Previously Presented) The method according to claim 1 wherein said visually selected comprises color, ripeness, size, damage, defects, tenderness, or juiciness.
6. (Previously Presented) The method according to claim 2 wherein said reintroducing further includes juices removed from said select portion of said plurality of fresh produce.
7. (Original) The method according to claim 1 wherein said one or more containers includes one or more modified atmosphere packages.
8. (Previously Presented) A method for collecting and packaging of fresh cut produce comprising the steps of:
  - machine harvesting a plurality of fresh produce,
  - placing said plurality of fresh produce into a shelf stable process,
  - consolidating a fresh cut produce process with said shelf stable process in a shelf stable processing facility,
  - diverting a visually selected portion of said plurality of fresh produce into said fresh cut produce process based on one or more visual characteristics of said fresh produce,
  - removing at least tops and ends from said diverted select portion of said fresh cut produce,
  - reintroducing at least some of said removed tops and ends into said shelf stable process,
  - cutting said diverted select portion of said fresh produce, and
  - depositing said cut diverted select portion of said fresh cut produce into one or more containers.

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9. (Previously Presented) The method according to claim 8 wherein said plurality of fresh produce is machine harvested tomatoes.
10. (Previously Presented) The method according to claim 8 wherein said one or more visual characteristics comprises color, ripeness, size, damage, tenderness, defects, juiciness and any combination thereof.
11. (Cancelled)
12. (Previously Presented) The method according to claim 8 wherein said one or more containers includes one or more modified atmosphere packages.
13. (Previously Presented) The method according to claim 12 wherein said one or more modified atmosphere packages includes a transparent lid or a transparent bag.
14. (Previously Presented) A method for collecting and packaging of fresh cut tomatoes comprising:
  - machine harvesting a plurality of fresh tomatoes,
  - placing said plurality of fresh produce into a shelf stable process,
  - consolidating a fresh cut produce process with said shelf stable process,
  - diverting a visually selected portion of said plurality of fresh tomatoes into said fresh cut produce process,
  - cutting said diverted select portion of said fresh tomatoes, and
  - depositing said cut diverted select portion of said fresh tomatoes into one or more modified atmosphere packages.

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15. (Previously Presented) The method according to claim 14 wherein said diverting further comprises;

removing at least tops, ends or juices from said visually selected portion of said plurality of fresh tomatoes, and

reintroducing at least some of said removed tops, ends or juices into said shelf stable process.

16. (Cancelled)

17. (Original) The method according to claim 14 wherein said one or more modified atmosphere packages incorporates a transparent lid or a transparent bag.

18. (Previously Presented) The method according to claim 14 wherein said diverted visually selected portion of said fresh tomatoes is diverted based on one or more visual characteristics of said plurality of fresh tomatoes.

19. (Previously Presented) The method according to claim 18 wherein said one or more visual characteristics includes color, ripeness, tenderness, size, damage, defects, or juiciness.

20. (Previously Presented) The method according to claim 14 wherein said fresh cut produce process and said shelf stable process are consolidated into a shelf stable processing facility.